

### **REMARKS**

Applicant hereby responds to the Final Action of June 5, 2006, in the above-referenced patent application. Claims 1-24 are pending in the patent application. Claims 1-24 were rejected under 35 USC 102(b) as being anticipated by USPN 5,585,838 to Lawler et al. (hereinafter "Lawler"). Rejection of Claims 1-24 as being anticipated by Lawler is respectfully traversed because, for at least the following reasons, Lawler does not disclose all of the claimed limitations.

Claims 1, 9, 13, 16 and 19 have been amended to further clarify the claimed limitations. New matter has not been added. The amendments are to place the claims in better condition for allowance or appeal.

### **ARGUMENTS**

As per **Claim 1**, it is respectfully submitted that Lawler does not disclose a receiver for a digital video service network, comprising: "means for receiving a digital television signal broadcast by a broadcaster over a transmission channel, the digital television signal including a Preview Program and Broadcasting Schedule Information, the Preview Program and the Broadcasting Schedule Information relating to a Main Program, ... wherein when the Preview Program is being broadcast over the transmission channel, the Broadcast Schedule Information is broadcast along with the Preview Program in the digital television signal such that the Broadcasting Schedule Information is received by said means for receiving a digital television

signal simultaneously with the Preview Program,” as required by Claim 1, as amended.

In rejecting Claim 1, the Examiner has interpreted the claimed Broadcasting Schedule Information to consist of Lawler’s program information grid 80 and program description 114 (Fig. 3). The Examiner then concluded that Lawler reads on the claimed limitation in the regard that Lawler’s program description 114 and the preview video clip displayed in the preview window 110 are delivered and displayed simultaneously. Applicant respectfully disagrees.

First, the claimed Broadcasting Schedule Information is not the same as Lawler’s program information grid 80 and program description 114 (Fig. 3). Lawler first puts the program information grid 80 together and displays it on the left hand side of the screen. Thereafter, based on a selection from the program information grid 80, Lawler obtains corresponding program description 114 and video clip 110 for display in the panel 108, on the right hand side of the screen (col. 10, lines 20-26). As such, the program description 114 is not Broadcasting Schedule Information as claimed, rather description of a title selected from program information grid 80.

For example, in Fig. 3, Lawler first puts together, and shows the program information grid 80 which lists programs titles 88: “Kung Fu ...,” “Trailside ...,” “My Fair Lady...,” “Yachting ....” Thereafter, when the user selects the title “Trailside ...” from grid 80 using the focus frame 102, the corresponding program description 114 and clip 110 are obtained and

displayed in panel 108 (col. 10, lines 20-26). The program description 114 and preview clip 110 provide details for the title selected from the program information grid 80 via focus frame 102. Therefore, the program description 114 is not Broadcasting Schedule Information as claimed, rather description of a title selected from program information grid 80.

In col. 10, lines 42-56 (relied on by the Examiner), Lawler states that the program information in the illustrated program summary panel 108 (program description 104 and preview 110), is obtained upon request of the interactive station controller 18 from the head end 12. Accordingly, the details (program description 114 and preview clip 110) for a selected title in program information grid 80 are obtained only after the title is displayed and selected via focus frame 102 in the program information grid 80, rather than being received at a receiver simultaneously, as claimed. Accordingly, Lawler does not disclose: “the Broadcast Schedule Information is broadcast along with the Preview Program in the digital television signal such that the Broadcasting Schedule Information is received by said means for receiving a digital television signal simultaneously with the Preview Program,” as required by Claim 1.

Indeed, in col. 10, lines 27-33, Lawler specifically describes that the program information in the illustrated program summary panel 108 (Fig. 3), is obtained upon request of the interactive station controller 18 from the head end 12. As such, the program description 114 and preview program 110 displayed in panel 108, are not delivered to the station controller 18 along with the information in the program time information in the program information grid 80.

The Examiner states that Lawler (col. 10, lines 42-56) discloses that the program description 114 may be obtained from the electronic program guide data servers 34 and video clips 110 may be obtained from the continuous media servers. This is further support for Applicant's position that the program information grid 80 and the details (114, 110) for a title selected from program information grid 80 via focus frame 102 are not received at a receiver simultaneously as one digital signal. Further, there is no disclosure in Lawler that the program description 114 and the video clip 110 are delivered to, or received by, the station 18 (receiver) simultaneously.

Further, Lawler col. 5, lines 3-36 and col. 10, lines 42-56 (relied on by the Examiner), does not disclose that a Broadcasting Schedule Information is delivered to a receiver simultaneously with the Preview Program, as claimed. Even if Lawler discloses a preview program and a broadcast schedule, according to Lawler the preview program is not delivered along with the broadcast schedule. The Examiner interprets Lawler to disclose: (1) program time information in grid 80 and the program description 114, is the claimed Broadcasting Schedule Information, (2) Lawler's preview window 110 is the claimed Preview Program, and (3) the program description 114 and the preview video clip being displayed in the preview window 110 are delivered and displayed simultaneously. For the reasons detailed further above, Applicant respectfully traverses such interpretations and conclusions by the Examiner.

Even if the above-mentioned interpretations (1) through (3) by the Examiner are correct (which Applicant traverses), there is no disclosure in Lawler that the program description 114 and the preview video clip being displayed in the preview window 110 are received simultaneously at station 18. In col. 10, lines 27-33 and lines 49-52, Lawler specifically describes that the program information in the illustrated program summary panel 108 (Fig. 3), which includes preview 110, is obtained upon request of the interactive station controller 18 from the head end 12. As such, the preview program 110 is not delivered to the station controller 18 (Fig. 2) along with the information in the program time information in the grid 80 (which the Examiner terms broadcast schedule information). For at least these reasons, it is respectfully submitted that rejection of claim 1 and all claims dependent therefrom (claims 2-12, 23 and 24) should be withdrawn.

Regarding **Claim 3**, it is respectfully submitted that Lawler col. 6, lines 54-63 and col. 10, lines 42-56 (relied on by the Examiner), does not disclose that: “the means for decoding the digital television signal includes a TS demultiplexer for demultiplexing and outputting a signal representative of the Preview Program,” as required by Claim 3. As discussed in relation to Claim 1, Lawler’s receiver does not receive a digital signal that includes both Broadcasting Schedule Information and Program Preview information. As such, there is no component in Lawler for demultiplexing and outputting a signal representative of the Preview Program. Nor is there any need for such a component since in Lawler, the description 114 and clip 110 (Fig. 3) are not multiplexed with Broadcasting Schedule Information for simultaneous transmission.

Regarding **Claim 4**, it is respectfully submitted that Lawler col. 8, lines 27-31 (relied on by the Examiner), or elsewhere, does not disclose that: “the TS demultiplexer outputs the Broadcasting Schedule Information,” as required by Claim 4. As discussed in relation to Claims 1 and 3, there is no component in Lawler for demultiplexing and outputting a signal representative of the Preview Program. In addition, there is no disclosure in Lawler that the station controller 18 includes a demultiplexer that demultiplexes the received digital signal, and outputs Broadcasting Schedule Information. Nor is there a need for such a component in Lawler because in Lawler, the description 114 and clip 110 (Fig. 3) for a title are not multiplexed with Broadcasting Schedule Information.

Regarding **Claim 5**, it is respectfully submitted that Lawler col. 7, lines 45-51 (relied on by the Examiner), does not disclose: “a System and Schedule Manager for controlling the means for decoding,” as required by Claim 5. Despite the Examiner’s interpretations, Lawler does not disclose that the CPU 58 controls a decoder in the station controller 18.

Further, Lawler col. 7, lines 45-51, does not disclose that: “the System Manager further directing a data stream flow of data from the digital television signal,” as required by Claim 5. The Examiner has not shown how the claimed System Manager for directing data stream flow of data from the digital television signal (which includes Preview Program and Broadcast Schedule Information), as claimed, is in any way similar to the function of Lawler’s CPU 58. The CPU 58 simply controls selection of analog-based programming, digital-based programming or

applications delivered from the head end 12, accesses or activates selected applications, or delivers information to or requests information from the head end 12.

Indeed, in col. 7, lines 52-65, Lawler discloses that that the CPU 58 in Fig. 2 controls the graphics subsystem 62 to form graphics images, and a video processor subsystem 63 that provides control in generating and displaying video images. Accordingly, the CPU 58 does not control decoding, nor does the CPU 58 direct stream flow of data from the digital television signal, as claimed.

Regarding **Claim 7**, it is respectfully submitted that Lawler does not disclose Application decoders for decoding audio and video coded bit streams of the Preview Program or the Main Program, the Audio/Video decoders sending an Audio output signal for transducing into sound and a decoded video signal for processing and display, as claimed.

In col. 7, lines 35-37, Lawler explains that the video decoder 54 (relied on by the Examiner), functions as a digital equivalent of demodulator 50 for selecting one or more of multiple digital video signals present at input 48. As such, that video decoder 54 does not decode audio and video coded bit streams, as claimed. In addition, Lawler's video processor subsystem 63 only provides control in generating and displaying video images. Subsystem 63 is not a decoder as claimed.

Lawler does not disclose that subsystem 63 provides: “decoding audio and video coded bit streams,” as claimed. There is no disclosure that subsystem 63 has anything to do with audio or decoding audio. Nor does subsystem 63 provide: “sending an Audio output signal for transducing into sound and a decoded video signal for processing and display,” as claimed. Lawler explains subsystem 63 to be a video processor (col. 7, lines 35-37), not a decoder or an audio decoder.

It is respectfully submitted that the Examiner has not provided support for the proposition that Lawler’s mention of MPEG-2 signals (col. 5, line 32) means that Lawler’s decoder 54 and subsystem 63 anticipate the claimed limitations. In Lawler, mention of MPEG-2 in conjunction with decoder 54 or subsystem 63, does not teach: Application decoders for decoding audio and video coded bit streams of the Preview Program or the Main Program, wherein the Audio/Video decoders send an Audio output signal for transducing into sound and a decoded video signal for processing and display, as claimed.

Regarding **Claim 8**, it is respectfully submitted that Lawler does not disclose a means for generating an icon to overlay the video output of the decoded video signal during display, as claimed. In col. 7, lines 52-65 (and Figs. 7-9), relied on by the Examiner, Lawler does not disclose a receiver that includes a means for generating an icon to overlay the video output of the decoded video signal during display. Subsystem 62 in Lawler forms graphics images, including user interface displays on the video display 20.



Rather, in col. 7, lines 57-65, Lawler states that a mixer 64 receives the programming or applications signals received from the central head end 12 or CPU 58, graphics image signals from graphics subsystem 62, and video image signals from the video processor subsystem 63, and delivers a mixed image signal to video display set 20. Such mixing may include compositing, blending, and masking of image sources such as digital video, analog video, locally generated graphics and various overlays and bitmap images. It is respectfully submitted that despite the Examiner's interpretation, there is simply no language or disclosure in Lawler that in any way states that the mixer 64 generates an icon for overlaying the video output of the decoded video signal during display, as claimed. Any icons in Figs. 7-9, are not generated by the mixer 64, and are not generated in the station controller 18.

As per **Claim 9**, the Examiner interprets Lawler to disclose downloading Broadcasting Schedule Information 80, 114 while the Preview Program 110 is being decoded and displayed. For at least the reasons provided in relation to Claim 1, Applicant respectfully traverses Examiner's interpretation of Lawler's elements 80, 114 as Broadcasting Schedule Information as claimed, and Examiner's interpretation of Lawler's element 110 as Preview Program, as claimed.

Further, the Examiner interprets Lawler to teach that during the operation of the system, if the required Broadcasting Schedule Information is not in memory, downloading the Broadcasting Schedule Information from the headend (col. 15, lines 4-32). However, col. 15, lines 4-32,

Lawler does not disclose means for downloading the Broadcasting Schedule Information while the Preview Program is being decoded and displayed, as required by Claim 9, as amended.

It is important to note that as claimed, the Broadcasting Schedule Information and the Preview Program relate to a Main Program. As such the claimed limitations specify that the Broadcasting Schedule Information for a Main Program is being downloaded while the Preview Program for that Main Program is being decoded and displayed.

By contrast, in Lawler, if additional titles for display in the program grid 80 are not available, then Lawler obtains such additional titles from the headend, regardless of what is being displayed in panel 108. For example, in Fig. 3, the panel 108 is showing the description 114 and clip 110 for the corresponding selected title “Trailside” in focus frame 102. Lawler may obtain additional titles from headend to display in program information grid 80 beneath the unselected title “Yachting,” wherein the additional titles have no relationship to the description 114 and clip 110 in panel 108 for the selected title “Trailside.” Therefore, Lawler does not disclose downloading Broadcasting Schedule Information while the Preview Program (both relating to a Main Program), is being decoded and displayed.

Indeed, Lawler does not disclose that a title to be displayed in program information grid 80 is received at a receiver simultaneously as the description 114 and clip 110.

In col. 8, lines 26-30 (relied on by the Examiner), Lawler simply mentions that in generating the program time guide, the interactive station controller 18 can receive input from the input device 22, can obtain information from the head end 12, and can utilize information stored in the memory system 60 at the interactive station controller 18. Moreover, as discussed, in col. 10, lines 42-56 (relied on by the Examiner), Lawler states that the program information in the illustrated program summary panel 108 which includes preview 110, is obtained upon request of the interactive station controller 18 from the head end 12. Therefore, Lawler first puts together the program information grid 80 and displays it, and thereafter, upon request images for preview in the window 110 is obtained. Clearly, there is no disclosure in Lawler about downloading Broadcasting Schedule Information while Preview Program is being decoded and displayed, as claimed.

Regarding **Claim 10**, it is respectfully submitted that Lawler does not disclose a Schedule Queue, the Schedule Queue receiving at least the start time of the Broadcasting Schedule Information, the start time being compared with a system clock to determine when to have control signals sent to instruct the receiver to process the Main Program, as required by Claim 10. It is respectfully submitted that reliance on assumptions and inherency arguments in the Office Action are insufficient to reject claim 10 in light of clear teachings of Lawler to the contrary.

Specifically, Lawler col. 14, lines 30-48, Fig. 8 (relied on by the Examiner) does not disclose the claimed limitations. The Examiner admits that Lawler does not specify a schedule queue, but goes on to assume it as inherent in Lawler in order to reject this claim. It is respectfully submitted that despite the Examiner's assumptions, unlike the claimed limitations, there is no requirement in Lawler to use a "queue" for storing requests. A queue is neither inherent nor required in Lawler. The "future program options menu" mentioned by the Examiner does not disclose a schedule queue that receives and stores the "start time of the Broadcasting Schedule Information," as claimed. No queue is needed to support the "future program options menu" in Lawler.

Regarding **Claim 11**, it is respectfully submitted that Lawler does not disclose a means for notifying a viewer that the start time is approaching and requesting an instruction as to whether the viewer desires that the Main Program be recorded or displayed, as required by Claim 11. It is respectfully submitted that despite the interpretation in the Office Action, Lawler col. 14, lines 30-48, does not disclose such limitations.

Indeed, there is no disclosure in Lawler of a component that requests instructions for recording or displaying a program. The Examiner interprets Lawler's mention of "record the show when it becomes available," to teach the claimed limitations. However, "record the show when it becomes available," is a command to record the show when there is indication that the show is available, without notifying the user of an approaching program start time, and without

asking whether user wants to view/record the program.

Further, Lawler does not teach the limitations of providing: (1) a notification a viewer that the start time is approaching, and (2) requesting an instruction as to whether the viewer desires that the Main Program be recorded or displayed. It is respectfully submitted that the Examiner has not met the burden under 35 U.S.C. 102 in rejecting Claim 11.

As per **Claim 12**, Lawler does not disclose that the means for notifying provides an instruction to record if the viewer does not input any instruction within a predetermined time, as required by Claim 12. The Examiner interprets Lawler's mention of "record the show when it becomes available," to teach the claimed limitations. However, it is respectfully submitted that "record the show when it becomes available" is a command to record the show when there is indication that the show is available, without providing an instruction to record if the viewer does not input any instruction within a predetermined time. There is no provision in Lawler to wait for user input decision before recording. In col. 14, lines 30-48, Lawler does not disclose the claimed limitations. There is no disclosure in Lawler of a component that requests instructions for recording or displaying a program. There is no component in Lawler that provides an instruction to record if the viewer does not input any instruction within a predetermined time. The Examiner has not met the burden under 35 U.S.C. 102 in rejecting Claim 12.

Regarding **Claim 13**, it is respectfully submitted that as discussed in relation to Claim 1, Lawler does not disclose that the digital television signal received by the receiver includes both a Preview Program and Broadcasting Schedule Information, as claimed. Lawler does not disclose that a Broadcasting Schedule Information is delivered to a receiver simultaneously with the Preview Program. Accordingly, there is no disclosure, nor any need, in Lawler of: “embedding the Broadcasting Schedule Information into the MPEG-2 signal such that the Broadcasting Schedule Information will be received by a digital television receiver while the Preview Program is being decoded by the digital television receiver,” as required by Claim 13.

In col. 10, lines 42-56, Lawler states that the program information in the illustrated program summary panel 108 which includes preview 110 is obtained upon request of the interactive station controller 18 from the head end 12, rather than simultaneously with the program grid 80 or the description 114. Further, as detailed in relation to Claim 9, Lawler does not disclose downloading Broadcasting Schedule Information while the Preview Program is being decoded and displayed. As such, rejection of Claim 13 and all claims dependent therefrom (Claims 14 and 15) should be withdrawn.

Regarding **Claim 14**, it is respectfully submitted that Lawler does not disclose coding a notice into the MPEG-2 signal, the notice being applied by the receiver in such a manner to inform the viewer that they are receiving an MPEG-2 signal which includes both the Preview Program and the Broadcasting Schedule Information, as required by Claim 14. For at least the

reasons provided in relation to Claims 1, 9 and 13, Lawler does not disclose receiving an MPEG-2 signal which includes both the Preview Program and the Broadcasting Schedule Information.

Further, there is no disclosure in Lawler (col. 10, lines 27-40 or col. 14, lines 30-49, relied on by the Examiner), of coding a notice into the MPEG-2 signal, the notice being applied by the receiver in such a manner to inform the viewer that they are receiving an MPEG-2 signal.

The Examiner assumes that the summary panel 108 and description information 114 is delivered via MPEG-2. However, Lawler does not disclose nor requires such limitations. Nor is such interpretation of Lawler even relevant to claimed limitations. It is respectfully submitted that the Examiner has not met the burden 35 U.S.C. 102(b) of showing where such limitations are specifically disclosed in Lawler.

Regarding **Claim 15**, Lawler does not disclose that the notice is an icon simultaneously displayed with the Preview Program. The Examiner states that Fig. 8 displays a window 110 and buttons 130, 140. However, it is respectfully submitted that the buttons 130, 140 or window 110, do not teach a notice icon coded into the MPEG-2 signal, to inform the viewer that they are receiving an MPEG-2 signal, such that the icon is simultaneously displayed with the Preview Program, as claimed. In col. 10, lines 27-40 and col. 14, lines 30-49 (relied on by the Examiner), Lawler does not disclose that the notice is an icon simultaneously displayed with the Preview Program. As such, Lawler does not teach an icon in the MPEG-2 signal, being applied by the receiver in such a manner to inform the viewer that they are receiving an MPEG-2 signal which

includes both the Preview Program and the Broadcasting Schedule Information, as claimed.

Regarding **Claim 16**, as discussed in relation to Claims 1, 9 and 13, Lawler does not disclose that the digital television signal received by the receiver includes both a Preview Program and Broadcasting Schedule Information, as required by Claim 16. Further, Lawler does not disclose that a Broadcasting Schedule Information is delivered to a receiver simultaneously with the Preview Program, as required by Claim 16, as amended.

Accordingly, there is no disclosure, nor any need, in Lawler of: “a Preview Program coded within the MPEG-2 signal, the Preview Program relating to a Main Program; Broadcasting Schedule Information embedded within the MPEG-2 signal, the Broadcasting Schedule Information relating to the Main Program; the Broadcasting Schedule Information being embedded into the MPEG-2 signal such that the Broadcasting Schedule Information will be received by a digital television receiver while the Preview Program is being decoded by the digital television receiver; wherein the Broadcast Schedule Information is broadcast along with the Preview Program and received simultaneously with the Preview Program,” as required by Claim 16. Indeed, in col. 10, lines 42-56, Lawler states that the program information in the illustrated program summary panel 108 which includes preview 110 is obtained upon request of the interactive station controller 18 from the head end 12. As such, it is respectfully submitted that rejection of Claim 16 and all claims dependent therefrom (Claims 17 and 18) should be withdrawn.



Regarding **Claim 17**, for at least the reasons discussed in relation to Claim 14, Lawler does not disclose the limitations of Claim 17.

Regarding **Claim 18**, for at least the reasons discussed in relation to Claim 15, Lawler does not disclose the limitations of Claim 18.

Regarding **Claim 19**, for at least the reasons discussed above in relation to Claims 1, 9 13 and 16, Lawler does not disclose that the digital television signal includes both a Preview Program and Broadcasting Schedule Information, as claimed. Lawler does not disclose that a Broadcasting Schedule Information is delivered to a receiver simultaneously with the Preview Program. Further, Lawler does not disclose receiving ordering information embedded within the MPEG-2 signal simultaneously with the display of the program, the ordering information relating to the item of choice, and the ordering information allowing a viewer to select the item while the program is being displayed. For at least these reasons, rejection of Claim 19 and all claims dependent therefrom (Claims 20-22) should be withdrawn.

Rejection of Claims 20, 21 and 22 is respectfully traversed for at least the reasons provided in relation to Claims 14, 15 and 1, respectively.

Rejection of Claim 23 is respectfully traversed for at least the reasons provided in relation to Claim 1.

Rejection of Claim 24 is respectfully traversed for at least the reasons provided in relation to Claim 10.

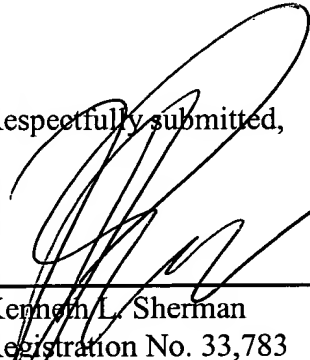
**CONCLUSION**

For these, and other, reasons, Applicants believe that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested.

Please charge any deficit or credit any surplus to our Deposit Account No. 01-1960. A duplicate copy of this page is enclosed for this purpose.

<p align="center"><b><u>CERTIFICATE OF MAILING</u></b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August <u>7</u>, 2006.</p> <p>By: Sarah A. Nielsen</p> <p><u>Sarah A. Nielsen</u></p> <p>Signature</p>
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Respectfully submitted,

  
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